

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WAYNE BANKS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:05-cv-467

CRIM. NO. 2:01-cr-149(2)

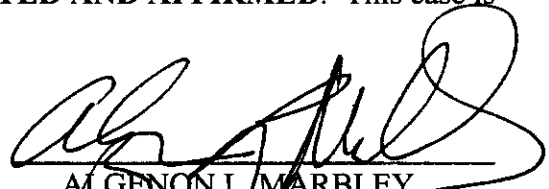
JUDGE MARBLEY

MAGISTRATE JUDGE KING

OPINION AND ORDER

On May 16, 2005, the Magistrate Judge issued a *Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings recommending that the petitioner's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. §2255 be dismissed as untimely. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This case is **DISMISSED**.


ALGENON L. MARBLEY
United States District Judge